

**NOT TO BE PUBLISHED IN OFFICIAL REPORTS**

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA**

**FOURTH APPELLATE DISTRICT**

**DIVISION TWO**

In re K.W., a Person Coming Under the  
Juvenile Court Law.

THE PEOPLE,

Plaintiff and Respondent,

v.

K.W.,

Defendant and Appellant.

E067478

(Super.Ct.No. J267963)

OPINION

APPEAL from the Superior Court of San Bernardino County. Pamela P. King,  
Judge. Affirmed.

Kevin J. Lindsley, under appointment by the Court of Appeal, for Defendant and  
Appellant.

No appearance for Plaintiff and Respondent.

## **FACTUAL AND PROCEDURAL HISTORY**

### **A. PROCEDURAL HISTORY**

On October 27, 2016, the San Bernardino County District Attorney filed a petition to declare defendant and appellant K.W. (minor; a male, born March 1999) a ward of the court. (Welf. & Inst. Code, §602, subd. (a).) The petition charged minor with one felony count of assault with a deadly weapon under Penal Code section 245, subdivision (a)(1).

Also on October 27, 2016, a probation report was filed with the court. The report indicated that minor was already under Welfare and Institutions Code section 300 dependency jurisdiction.

A probation report filed November 9, 2016, recommended that a Welfare and Institutions Code section 241.1 assessment, regarding the appropriateness of dual jurisdictional status, should be conducted.

On November 14, 2016, the petition was amended, adding a second count of battery with serious bodily injury under Penal Code section 243, subdivision (d). That same day, minor admitted the allegation in count 2 under Penal Code section 243, subdivision (d) (battery with serious bodily injury), and the court dismissed count 1 under Penal Code section 245, subdivision (a)(1) (assault with a deadly weapon). Minor was declared a ward of the court and placed on probation with various conditions, including being placed in the custody of San Bernardino Department of Children and Family Services (CFS).

On November 29, 2016, after minor was declared a ward of the court, a “CFS/Probation 241.1 Report” was filed. That same day, the juvenile court held a Welfare and Institutions Code section 241.1 hearing, wherein the court determined minor’s case to be “dual status” with CFS as the lead agency.

On December 28, 2016, minor filed a timely notice of appeal.

**B. FACTUAL HISTORY<sup>1</sup>**

According to the juvenile probable cause declaration, on October 25, 2016, minor and the victim argued during class. Minor then grabbed a stapler off his teacher’s desk and hit the victim two or three times in the head, causing contusions and swelling. Minor admitted the allegation in count 2, battery with serious bodily injury.

**DISCUSSION**

After minor appealed, and upon his request, this court appointed counsel to represent him. Counsel has filed a brief under the authority of *People v. Wende* (1979) 25 Cal.3d 436 and *Anders v. California* (1967) 386 U.S. 738 setting forth a statement of the case, a summary of the facts, and potential arguable issues, and requesting this court to undertake a review of the entire record.

We offered minor an opportunity to file a personal supplemental brief, but he has not done so. Pursuant to the mandate of *People v. Kelly* (2006) 40 Cal.4th 106, we have independently reviewed the record for potential error and find no error.

---

<sup>1</sup> Minor admitted the allegation in count 2, and the parties stipulated that “there’s a factual basis in the police report.”

**DISPOSITION**

The judgment is affirmed.

NOT TO BE PUBLISHED IN OFFICIAL REPORTS

MILLER

Acting P. J.

We concur:

SLOUGH

J.

FIELDS

J.